



08-07-01

#21 p7 8/15/01
AF 4/1631

Docket No. 47653.1 (1789)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: J.C. Houck, et al.
Serial Number: 09/189,130 Art Unit: 1631
Filed: November 10, 1998 Examiner: M. Borin
For: SMALL PEPTIDES AND METHODS FOR TREATMENT OF
ASTHMA AND INFLAMMATION

RECEIVED

AUG 13 2001

TECH CENTER 1600/2900

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, as Express Mail Label No. **EL895419154 US** postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date

August 6, 2001

Annemarie Serrecchia

Annemarie Serrecchia

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. 1.191)

NOTE: An appeal may be based on one rejection in a prior application and one rejection in a continuing application. Notice of Oct. 10, 1997, 62 F.R. 53131, at 53167.

NOTE: There is no requirement for a notice of appeal to: (1) be signed; or (2) identify the appealed claims. Notice of Oct. 10, 1997, 62 F.R. 53131, at 53167.

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed 3/6/01, finally rejecting claims 1 and 4-8.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of

☐ other than a small entity.

☒ a small entity.

A statement:

☐ is attached.

☐ was already filed.

08/10/2001 GTEFFERA 00000012 09189130

01 FC:216

195.00 OP

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. 1.17(b), the fee for filing the Appeal Brief is:

<input checked="" type="checkbox"/>	small entity	\$155.00
<input type="checkbox"/>	other than a small entity	\$310.00

Notice of Appeal fee due \$155.00

3. EXTENSION OF TERM

NOTE: The time periods set forth in 37 C.F.R. 1.191 are subject to the provision of § 1.136 for patent applications. 37 C.F.R. 1.191(d). (But see 37 C.F.R. 1.645 for extension of time in interference proceedings and 37 C.F.R. 1.550(c) for extension of time in reexamination proceedings).

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

(a) ☒ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$110.00	\$55.00
<input checked="" type="checkbox"/> two months	\$390.00	\$195.00
<input type="checkbox"/> three months	\$890.00	\$445.00
<input type="checkbox"/> four months	\$1,390.00	\$695.00

Fee \$195.00

If an additional extension of time is required, please consider this a petition therefore.

(check and complete the next item, if applicable)

(a) ☐ An extension for ___ month has already been secured, and the fee paid therefore of \$ ___ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$195.00

or

(b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$ 155.00

Extension fee (if any) \$ 195.00

TOTAL FEE DUE \$ 350.00

5. FEE PAYMENT

☒ Attached is a check in the amount of \$ 350.00

☐ Charge Account No. _____ the sum of \$ _____

A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

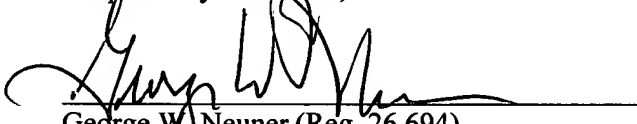
NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in resuming the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G 31-33.

☒ If any additional extension and/or fee is required, this is a request therefore and to charge Account No 04-1105.

AND/OR

☒ If any additional fee for claims is required, charge Account No. 04-1105.

Respectfully submitted,



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